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: 10/810,782

Filed

March 26, 2004

REMARKS

This is in response to the Office Action mailed April 14, 2008. Claims 1-9 and 16-17 are

pending in the application after this Response, Claims 10-15 having previously been cancelled and

Claims 16-17 newly added herein.

By the Action, the Examiner maintained the rejection of Claims 1, 6, 8 and 9 under 35 U.S.C.

§ 102(e) as being anticipated by Luciano, Jr. (US 2003/0232638). The Examiner rejected Claims 2-

5, and 7 under 35 U.S.C. § 103(a) as being unpatentable over Luciano in view of Bennett et al. (WO

00/32286).

<u>Independent Claim 1</u>

The Examiner asserts that Luciano discloses displaying a secondary indicia with player

selected numbers that were deemed to match (check mark and shaded area) and displaying a

secondary indicia with player selected numbers that were determined not to match (check mark, area

not shaded). So that the language of Claim 1 more distinctly recites the invention over Luciano,

Applicant has amended Claim 1.

As amended, Claim 1 recites a method in which player selected numbers are marked with a

first indicator (see player selected numbers highlighted in Figure 2 of the present application). In

accordance with the method, once the game numbers are drawn, the first indicator associated with

each player number is replaced by a secondary indicia (see Figure 5 of the present application

wherein the highlighting associated with each player selected number has been replaced by a

secondary "smiley" indicia which either indicates a match or no match). If the player number

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matches a game number, the secondary indicia has an attribute indicating a match. If the player

number does not match any game number, the secondary indicia has an attribute indicating no match.

In this manner, a player can easily see that each player number has been compared to each game

number. If no matches occurred, then the secondary indicia indicates such. If a match did occur,

then the secondary indicia indicates such as well.

Applicant asserts that Luciano does not disclose a keno game where the player selected

numbers are indicated with a first indicator, and where that first indicator is then replaced with a

secondary indicia indicating a match or no match. Luciano discloses marking player numbers with a

check mark, but those check marks are never removed or replaced with secondary indicia. For at

least these reasons, Applicant asserts that Claim 1 defines an invention which is patentable over

Luciano.

Dependent Claims 2-9 and 16-17

Applicant asserts that dependent Claims 2-9 and 16-17 are allowable for at least the reason

they depend from allowable Claim 1, and for the reason that these claims define additionally

patentable subject-matter.

Again, Applicant asserts that Luciano does not disclose the base method as claimed in Claim

1. Applicant asserts that Bennett does not solve that shortcoming. Bennett discloses use of an

animated character, such as a "Mr. Cashman" character. However, Bennett does not disclose use of

different types of indicators to identify or designate matching and non-matching player/game

numbers.

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Summary

Applicant asserts that Claims 1-9 and 16-17 are in a condition for allowance and respectfully request a notice as to the same. If any matters remain outstanding, the Examiner is invited to contact the undersigned by telephone.

Dated: July 11, 2008 By: _

R. Scott Weide

Registration No. 37,755

Weide & Miller, Ltd.

Bank of Nevada Building, 5th Floor 7251 West Lake Mead Blvd., Suite 530

Las Vegas, NV 89128

(702) 382-4804 (Pacific time)